

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**WILLIE C. ALEXANDER and
BELINDA N. PITMAN,**

Plaintiffs,

v.

CERTEGY CHECK SERVICES, INC.,

Defendant.

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Case No.: 2:05-cv-0449-T-M

JOINT MOTION FOR EXTENSION OF STAY

Plaintiffs Willie C. Alexander and Belinda N. Pitman and defendant Certegy Check Services, Inc. ("Certegy") jointly move the Court to extend for 60 days the stay previously granted in this action in order to permit the parties to complete ongoing settlement negotiations. As grounds for this motion, the parties would show the Court as follows.

1. The Court by Order dated August 2, 2005, stayed until October 31, 2005, all proceedings in this action to permit the parties to pursue informal discovery in aid of possible early settlement. Because the action was filed with class allegations, the parties concluded that it would be fruitful to exchange information informally that would enable plaintiffs' counsel to evaluate at an early stage the likelihood of meeting the requirements of Rule 23 for class certification.

2. Since entry of the Order, defendant Certegy has produced to plaintiffs essentially all of the documents that would normally be provided as initial disclosures pursuant to Fed. R.

Civ. P. 26(a)(1)(B), including both Certegy's records of plaintiffs' individual transactions and its customer service procedures and training manuals.

3. After plaintiffs' counsel had had an opportunity to review that material, Certegy brought its in-house counsel and one of its senior customer services supervisors (who also has extensive training experience in customer service for Certegy) to Birmingham to meet with plaintiffs' counsel. That meeting took place on October 5, 2005, at which time plaintiffs' counsel had the opportunity to question Certegy's representatives with respect to any issue they deemed pertinent to the issue of class certification of plaintiffs' claims.

3. Following their meeting with Certegy's representatives, plaintiffs' counsel invested considerable time in reviewing the documents and information obtained. By letter dated October 21, 2005, plaintiffs' counsel provided Certegy with their analysis of that information and made a proposal for the resolution of this action. Certegy is in the process of assessing both the factual assumptions and the legal arguments outlined in the October 21 letter and preparing a response to plaintiffs' settlement proposal. Because of the issues involved, additional time is needed to ensure a full and adequate analysis of plaintiffs' proposal and a constructive response thereto.

4. Undersigned counsel believe that the parties are moving in good faith to seek an early resolution of this dispute and believe the requested 60-day extension will enable them to complete the negotiation process presently underway.

WHEREFORE, plaintiffs Alexander and Pitman and defendant Certegy Check Services, Inc., respectfully move this Court to extend for 60 days the stay previously entered in this action.

Respectfully submitted

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